

STATE OF WASHINGTON
GAMBLING COMMISSION

In the Matter of the Suspension or Revocation of)	NO. CR 2010-00835
the License to Conduct Gambling Activities of:)	
)	
Pee Wee's Tavern)	NOTICE OF ADMINISTRATIVE
Tacoma, Washington,)	CHARGES AND OPPORTUNITY
)	FOR AN ADJUDICATIVE
Licensee.)	PROCEEDING
_____)	

I.

The Washington State Gambling Commission issued Pee Wee's Tavern, organization number 00-20394, the following license: Number 05-20130, authorizing Class "D" Punchboard/Pull-Tab activity.

The license expires on December 31, 2010, and was issued subject to the licensee's compliance with state gambling laws and regulations.

II.

Rick Day, Director of the Washington State Gambling Commission, charges the licensee with the following violations of the Washington State Gambling Act, 9.46 RCW, and WAC Title 230:

- 1) Pee Wee's Tavern was licensed for Class "D" Punchboard/Pull-Tab activity and is authorized to have annual gross gambling receipts up to \$300,000. However, the licensee's gross gambling receipts were \$309,499. Therefore, Pee Wee's Tavern needed to upgrade its license class to "E" level activity, which allows for up to \$400,000 in gross gambling receipts.
- 2) On April 20, 2010, a letter was sent to the licensee, notifying it that it had exceeded its license class and needed to pay a \$927 fee.
- 3) In June 2010 and July 2010, Commission staff and a Commission Special Agent were unsuccessful in their attempts to contact Floyd Jackson, President of Pee Wee's Tavern, by telephone to inform him that he needed to pay the exceeding license class fee.
- 4) The licensee failed to pay the required fees of \$927 in connection with exceeding their Punch Board/Pull-Tab license class for their license year ending in December 31, 2009, in violation of WAC 230-06-130(1) and (2). Therefore, under RCW 9.46.075(1) and WAC 230-03-085(1) grounds exist to suspend or revoke Pee Wee's Tavern license.

RCW 9.46.075(1) The Commission may suspend or revoke any license or permit issued by it, for any reason or reasons, it deems to be in the public interest. These reasons shall include, but not be limited to, cases wherein the licensee has violated, failed or refused to comply with the provisions, requirements, conditions, limitations or duties imposed by chapter 9.46 RCW and any amendments thereto, or any rules adopted by the Commission pursuant thereto, or when a violation of any provision of chapter 9.46 RCW, or any Commission rule, has occurred upon any

premises occupied or operated by any such person or over which he or she has substantial control.

WAC 230-03-085(1) The Commission may suspend or revoke any license or permit, when the licensee commits any act that constitutes grounds for denying, suspending, or revoking licenses or permits under RCW 9.46.075.

WAC 230-06-130 Exceeding license class

(1) Licensees must not exceed the gross gambling receipts limits for their license class during any annual license period.

(2) Licensees must apply a projection of year-to-date receipts to the remaining period of their license and, if it indicates that it is reasonably likely that they may exceed their license, they must immediately: (a) Apply for a license that authorizes the anticipated level of gross gambling receipts; and (b) Submit the fee required for the new license, minus the amount originally submitted for the previous license, plus a change of classification fee.

III.

Jurisdiction of this proceeding is based on 9.46 RCW, Gambling, chapter 34.05 RCW, the Administrative Procedure Act, and WAC Title 230.

The licensee will have the opportunity to have a hearing on the alleged violations.

In order to have a hearing or discuss settlement options, the enclosed request for hearing must be completed and returned to the Gambling Commission **within 23 days** from the date of the mailing of this notice.

Based on RCW 34.05.440, failure to return a request for hearing for hearing will result in the entry of a default order REVOKING your license.

STATE OF WASHINGTON)
) ss.
COUNTY OF THURSTON)

Rick Day, being duly sworn on oath, says: That he has read this Notice of Administrative Charges and Opportunity for An Adjudicative Proceeding, knows the contents of it, believes it to be true, that he is the Director of the Washington State Gambling Commission, and in that capacity has executed said Notice.

STATE OF WASHINGTON)
)
COUNTY OF THURSTON)

I hereby certify that I have this day served a copy of the document upon all parties of record in the proceeding by mailing a copy thereof, properly addressed with postage prepaid, by regular and certified mail to each party to the proceeding or his or her attorney or authorized agent.

Dated at Olympia, Washington this 5th day of August, 2010

Pee Wee's Tavern
Washington State Gambling Commission
Notice of Administrative Charges and Opportunity for an Adjudicative Proceeding
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David L. Taylor on behalf of
RICK DAY, DIRECTOR

SUBSCRIBED AND SWORN TO before me
this 5th day of August, 2010

Michelle M. Pardee
NOTARY PUBLIC in and for the State of
Washington residing at Lacey
My Commission expires on June 16, 2013

